

1 **DAVID M. MICHAEL, SBN 74031**
2 **LAW OFFICES OF DAVID M. MICHAEL**
3 **101 California Street, Suite 2450**
4 **San Francisco, CA 94111**
5 **Telephone: (415) 946-8996**
6 **Facsimile: (877) 538-6220**
7 **E-mail: dmmp5@aol.com**

8 **Attorney for Claimant**
9 **FRANK JOSEPH ALIOTO**

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA

13 Plaintiff,

No. C 07 5413 MMC

14 v.

15 APPROXIMATELY \$61,505.00
16 IN UNITED STATES CURRENCY,

**JOINT NOTICE OF RELATED
CASES AND REQUEST FOR
ASSIGNMENT BEFORE THE
SAME COURT
[Civil L.R. 3-12]**

17 Defendant.

18 _____/
19 FRANK JOSEPH ALIOTO,

20 Claimant.

21 _____/
22 UNITED STATES OF AMERICA

23 Plaintiff,

No. CV 08 0318 SC

24 v.

25 APPROXIMATELY \$34,320 IN
26 UNITED STATES CURRENCY,

27 Defendant.

28 _____/
29 FRANK JOSEPH ALIOTO,

30 Claimant.

31 _____/
32 Claimant, FRANK JOSEPH ALIOTO, by and through his attorney, DAVID
33 MICHAEL, and Plaintiff, UNITED STATES OF AMERICA, by and through its attorney,
34 SUSAN B. GRAY, hereby give notice that these two civil forfeiture cases are related within

1 the meaning of Civil Local Rule 3-12 and request that, for the reasons set forth herein, these
2 matters be consolidated before The Honorable Maxine Chesney, in the first filed case, C 07 5413
3 MMC.

4 The first filed case is the civil forfeiture case, Case No. C 07 5413 MMC, which was
5 filed on 23 October 2007, arising from a seizure of currency from Claimant Frank Alioto as he
6 deplaned from a Delta Airlines flight at San Francisco International Airport on 30 May 2007. The
7 second filed case is the civil forfeiture case, Case No. CV 08 0381 SC, which was filed on 08
8 January 2008, arising from a second seizure of currency from Claimant Frank Alioto, as he
9 deplaned from another Delta Airlines flight at Oakland International Airport on 16 August 2007.
10 These seizures were made by agents from the Drug Enforcement Administration (DEA). Special
11 Agent William Byrd was the DEA agent involved in both seizures and the same narcotics
12 detection canine was used in both seizures. The complaints in both cases describe both seizures,
13 with only a few additional facts regarding the second seizure added to the complaint in the case
14 before this court. In both cases, the government seeks forfeiture of the seized funds pursuant to
15 21 U.S.C. § 881(a)(6), as funds either furnished or intended to be furnished in exchange for a
16 controlled substance or as proceeds traceable to such an exchange.

17 As provided in that Rule, and in light of the above facts, it appears likely that there will
18 be an unduly burdensome duplication of labor and expense if the cases are conducted before
19 different Judges (Rule 3-12.1(b)(2)) and assignment to a single Judge is likely to conserve judicial
20 resources and promote an efficient determination of the actions. Rule 3-12.1(c)(3).

21 Therefore, the parties herein jointly request that these two cases be consolidated
22 pursuant to Civil Local Rule 3-12 and request that, for the reasons set forth herein, they be
23 consolidated before The Honorable Maxine Chesney, in the first filed case, C 07 5413 MMC.

24 It is further requested that, if the Court relates these cases as requested, that the present
25 Case Management Conference date of 25 April 2008 be maintained as the Case Management
26 Conference for both cases.

1 Dated: 28 January 2008
2
3

4 Respectfully submitted,
5
6

7 s/ DAVID M. MICHAEL

8 DAVID M. MICHAEL, CSB #74031
9 Law Offices of David Michael
10 101 California Street, Suite 2450
11 San Francisco, CA 94111
12 Telephone: (415) 946-8996
13 Facsimile: (877) 538-6220
14 E-mail: dmp5@aol.com

15 Attorney for Claimant
16 FRANK JOSEPH ALIOTO, Jr.
17
18

19 Dated: 28 January 2008
20
21

22 S/SUSAN B. GRAY

23 SUSAN B. GRAY CSB #100374
24 Office of the U.S. Attorney
25 450 Golden Gate Avenue
26 San Francisco CA 94102
27 Telephone: (415) 436-7324
28 Facsimile: (415) 436-6748
Email: Susan.B.Gray@usdoj.gov